

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

DARRELL J. HARPER

§

VS.

§

CIVIL ACTION NO. 1:14cv666

TEX. DEPT. OF CRIMINAL JUSTICE §

MEMORANDUM OPINION

Plaintiff Darrell J. Harper filed this lawsuit against the Texas Department of Criminal Justice. He alleges he is wrongfully imprisoned and seeks \$100,000,000 in damages.<sup>1</sup>

Discussion

Plaintiff has filed more than 50 lawsuits in federal courts within the State of Texas. The United States Court of Appeals for the Fifth Circuit has sanctioned plaintiff, stating:

This court previously sanctioned Harper for the filing of frivolous appeals and ordered him to pay \$100.00. See *Harper v. Atlas*, No. 05-20856 (5th Cir. Aug. 28, 2006) (unpublished). Undaunted by the prior sanction, Harper has filed yet another frivolous appeal. We now order Harper to pay \$300.00 as a sanction to the clerk of this court. Harper is barred from filing any pleadings in this court

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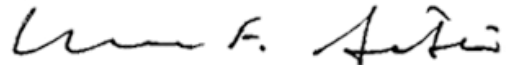
<sup>1</sup> This case was directly assigned to the undersigned magistrate judge pursuant to this district's General Order 14-10. Plaintiff has provided voluntary written consent to have the assigned magistrate judge conduct all further proceedings in this case, including entry of final judgment, in accordance with 28 U.S.C. § 636. The defendant in this action has not been served with process and, as a result, has not appeared. As a result, its consent is not needed for the undersigned to make a final determination in this matter. See *Neals v. Norwood*, 59 F.3d 530, 532 (5th Cir. 1995).

or in any court subject to this court's jurisdiction until the total amount of the sanction imposed on him is paid in full. Harper is also warned that any future meritless filings in this court or in any court subject to this court's jurisdiction will subject him to additional sanctions, as will the failure to withdraw any pending matters that are frivolous.

*Harper v. City of Houston*, 282 F.App'x 351, 351-52 (5th Cir. 2008).

Plaintiff has not shown that he has satisfied the sanctions imposed in *Harper v. City of Houston* or in *Harper v. Atlas*. As a result, this lawsuit will be dismissed without prejudice. An appropriate final judgment shall be entered.

**SIGNED** this 6 day of May, 2015.



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KEITH F. GIBLIN  
UNITED STATES MAGISTRATE JUDGE